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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SLOAN, NATHAN A

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/02/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/526,628

Applicant(s)

FRIES ET AL.

Examiner

Nathan A Sloan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-28,31,32,38-45,48-51 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-28,31,32,38-45,48-51 and 53-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments with respect to claims 23 and 40 have been considered but are not found to be persuasive. With respect to claims 23 and 40, applicant asserts that "Ko fails to describe, however, any method in which a user selects or identifies the broadcast type from which a subsequent channel selection will be made, as recited in the amended claims."

However, no such limitation is provided in claims 23 or 40. While a limitation is provided indicating "upon receiving a user selection of a service space, identifying a correct one of a plurality of tuners to use in tuning..." this does not require a user manually *identifying* a broadcast type. Rather, a user may select any channel and the corresponding service space will be automatically selected for the user, meeting the limitation of a receiving a user selection of a service space. Additional limitations are addressed in detail in the following rejections.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-26, 39-43, and 51 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ko (6,486,925).

Ko (6,486,925) teach a system and method for managing channels with digital and analog television signals. Users are allowed to select from channels that are provided from multiple sources and assembled into a single channel map.

With respect to claims 23, 39, 40, and 51 the claimed method for tuning to a channel from among multiple broadcast types is taught by the tuning system seen in Figure 3 receiving broadcast signals from multiple tuners 41, 51, and 61 and combining the signals using controller 30. The claimed computer readable medium for providing executable code is met by the controller 30, which inherently contains executable code to produce control signals and tables such as Table 1 seen in column 5. The claimed step of “storing a plurality of service records in a plurality of service spaces ... each service record containing tuning information for tuning to a channel of one of the plurality of broadcast types” is taught in column 4, lines 61-67 and column 5, lines 1-6. The service records are taught in column 5, lines 36-41 to be categorized into a plurality of service spaces by grouping tuning information based on the broadcast type. Program

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information may be provided in a broadcast digital data stream “over one or more digital channels” via digital satellite broadcasting (col. 4:23-25) to obtain program association tables (PAT) (col.5:55+). Program association tables are used to extract tuning information which facilitates tuning the system. As seen in Fig. 5, Ko teaches a system designed to extract PAT or claimed “additional tuning information necessary for subsequent tuning to the one or more digital channels.” This additional tuning information is stored “in one or more of the service records that correspond to the one or more digital channels over which the digital data stream were broadcast” as taught in col. 5:10-35 and col.6:1-16. With the tuning information built in memory, a user may select a channel from a service space as grouped by broadcast type, claimed “receiving a selection of one of the service records in one of the service spaces” and the channel is then tuned to by controller 30 using the stored tuning information accessed from memory 20. This process is taught in column 2, lines 58-67 and column 3, lines 1-4, and is better understood with reference to Figure 6. Finally, the system automatically tunes to the selected channel using a corresponding tuner from the various tuners seen in Fig. 3 “without having to re-extract the additional tuning information that would otherwise be required to tune into the one or more digital data streams” by using the service record information stored in memory within a service space. This process is accomplished by using stored tuning information in memory for all channels (Fig. 6, step S21) to tune rapidly and not have to re-extract additional tuning information as taught throughout the specification, particularly in col. 2:58+ through col.3:5 and col. 7:13-40.

With respect to claims 24 and 41, the claimed storing information that identifies a tuner is taught in column 6, lines 11-17 by identifying broadcasting channels using ordered channel

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numbers within a table stored in memory 20. A network ID is also used to distinguish between the types of broadcast, which identifies one of tuners 41, 51, or 61 of Figure 3 for reception of the selected channel. Channel information including tuning frequency and channel number are also stored as noted above with each record, meeting the claimed "storing information that identifies a channel tunable by the tuner."

With respect to claims 25 and 42, the claimed accumulating a plurality of service records is met by obtaining a plurality of service records, using the process seen in Figure 4 to create a table in memory, seen in column 5.

With respect to claims 26 and 43, the claimed monitoring a broadcast to determine available channels is seen in Figure 4 with steps S12-15. Ko teaches monitoring the various broadcasts with tuners and creating a channel map as seen in column 5 and Figure 5. This channel map stores tuning information used to tune the various tuners to a channel selected by a viewer.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38, 50, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (6,486,925) and in view of ISO/IEC 1-3818.

With respect to claims 38, 50, and 57-58, Ko does not explicitly teach use of a program map table or a program number, program identifier, and a bit stream type. On pages 95-100 (see particularly p. 97) of the ISO/IEC 13818-1 MPEG-2 Systems Standard the use of PAT and PMT tables containing information such as program numbers, program identifiers, and program bit stream type identifiers are clearly shown. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Ko by extracting the claimed additional tuning information and using PMT tables. One of ordinary skill in the art would be motivated to perform such a minor modification in order to fully comply with MPEG-2 standards and ensure system compliance.

3. Claims 27-28, 31-32, 44-45, 48-49, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (6,486,925) in view of DeFreese et al. (6,493,876).

With respect to claims 27 and 44, Ko does not explicitly teach the use of “a pointer associated with the service record in at least one of the service spaces.” DeFreese et al. teach a system and method for full service cable television system, including the ability to receive broadcasts from a plurality of providers and create a master service record. As seen in Figure 5 of DeFreese, the claimed pointers are explicitly taught from a channel table to the service table. The service table is comprised of records that include further pointers to link information regarding their source for tuning. It would have been obvious for one skilled in the art at the time of the invention to modify the data storing techniques taught by Ko by using pointers as taught by DeFreese in order to provide a flexible architecture that is easily updated.

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With respect to claims 28 and 45, Ko teaches “categorizing the plurality of service records into a plurality of service spaces” as noted above by storing grouped records. However, Ko does not teach “creating a favorites service space for including pointers to service records that correspond to service records included in at least one other service space corresponding to a particularly broadcast type, and such that a viewer can select the channel from the favorites space.” DeFreese teaches the use of a subscriber favorite line-up stored in memory in column 17, lines 62-63 and using pointers among channel groups as seen in Fig. 5. As seen in Figure 15, users may categorized channels into a variety of groups such as blocked or favorite channels. It would have been obvious for one skilled in the art at the time of the invention to modify the channel map storing techniques of Ko by allowing the creation of a favorite space as taught by DeFreese in order to allow the viewer quick access to their favorite shows.

With respect to claims 31-32 and 48-49, Ko does not teach storing a service record corresponding to a web page, or storing uniform resource identifier as tuning information for the web page. DeFreese et al. (6,493,876) teach in column 16, lines 21-34 creating a service table comprising services from various sources, including the world wide web. In column 18, lines 5-20 DeFreese et al. further teach that the world wide web address may be identified and tuned to by storing a uniform resource locator. It would have been obvious for one skilled in the art at the time of the invention to modify the techniques taught by Ko by including internet links to provide the user with convenient internet access over existing broadband connections.

With respect to claims 53-56, Ko does not explicitly teach selection of a channel or service space via a graphical user interface. However, it is appreciated that users may want to indicate a service type and that this has been supported in the prior art as taught by Ko in col.



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2:23-35. While Ko teaches a way to modify such as system, it is appreciated that a user may desire to channel surf through all channels without selecting a broadcast type, or a user may desire to particularly indicate a group of channels such as when a user desires to watch a movie in high quality digital broadcast. DeFreese teaches use of a graphical user interface as seen in Fig. 15 for users to select among grouped channels. It would have been obvious for one skilled in the art at the time of the invention to modify the service space selection by using a graphical user interface as taught by DeFreese in order to allow the viewers to directly indicate their preference of channel groupings.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NAS

  
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